

FILED

08 JUN 10 AM 9:04

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW CRUZ,

Plaintiff,

vs.

RICHARD SUBIA, (Warden)

Defendant.

CASE NO. 08-2793 MMC

PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS

I, Matthew Cruz, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ☐ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

If the answer is "no," state the date of last employment and the amount of the gross and net salary

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and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

5. Do you own or are you buying a home? Yes \_\_\_ No X

Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

6. Do you own an automobile? Yes \_\_\_ No X

Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

Is it financed? Yes \_\_\_ No \_\_\_ If so, Total due: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

7. Do you have a bank account? Yes \_\_\_ No X (Do not include account numbers.)

Name(s) and address(es) of bank: \_\_\_\_\_

Present balance(s): \$ \_\_\_\_\_

Do you own any cash? Yes \_\_\_ No X Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes \_\_\_ No \_\_\_

8. What are your monthly expenses?

Rent: \$ 0 Utilities: 0

Food: \$ 0 Clothing: 0

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>NA</u>	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

9. Do you have any other debts? (List current obligations, indicating amounts and to whom

they are payable. Do not include account numbers.)

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1 and wages per month which you received. (If you are imprisoned, specify the last place of  
2 employment prior to imprisonment.)

3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

6 2. Have you received, within the past twelve (12) months, any money from any of the following  
7 sources:

8 a. Business, Profession or Yes \_\_\_\_ No X  
9 self employment

10 b. Income from stocks, bonds, Yes \_\_\_\_ No X  
11 or royalties?

12 c. Rent payments? Yes \_\_\_\_ No X

13 d. Pensions, annuities, or Yes \_\_\_\_ No X  
14 life insurance payments?

15 e. Federal or State welfare payments, Yes \_\_\_\_ No X  
16 Social Security or other govern-  
17 ment source?

18 If the answer is "yes" to any of the above, describe each source of money and state the amount  
19 received from each.

20 \_\_\_\_\_  
21 \_\_\_\_\_

22 3. Are you married? Yes \_\_\_\_ No X

23 Spouse's Full Name: \_\_\_\_\_

24 Spouse's Place of Employment: \_\_\_\_\_

25 Spouse's Monthly Salary, Wages or Income:

26 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

27 4. a. List amount you contribute to your spouse's support : \$ \_\_\_\_\_

28 b. List the persons other than your spouse who are dependent upon you for support  
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10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes \_\_\_ No X

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

5.23.08

DATE

Matthew Cruz

SIGNATURE OF APPLICANT

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Case Number: \_\_\_\_\_

**CERTIFICATE OF FUNDS**

**IN**

**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of MATHEW CRUZ for the last six months at [prisoner name]

MUSE CREEK where (s)he is confined.  
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 10.25 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 631.

Dated: 5/30/08

[Signature]  
[Authorized officer of the institution]

CALIFORNIA DEPARTMENT OF CORRECTIONS  
MULE CREEK STATE PRISON  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: NOV. 01, 2007 THRU MAY 30, 2008

ACCOUNT NUMBER : F03927

BED/CELL NUMBER: CG00000000000162M

ACCOUNT NAME : CRUZ, MATHEW MANUEL

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
11/01/2007		BEGINNING BALANCE					0.35
11/05	*VD54	INMATE PAYROL OCT	1661		9.76		10.11
11/07	FR01	CANTEEN RETUR	701702			0.10-	10.21
11/08	W512	LEGAL POSTAGE	1018 1736			4.60	5.61
11/08	W512	LEGAL POSTAGE	1102 1736			4.60	1.01
11/16	W512	LEGAL POSTAGE	1019 1868			1.01	0.00
12/04	*VD54	INMATE PAYROL NOV	2031		2.68		2.68
12/05	W512	LEGAL POSTAGE	1101 2077			1.99	0.69
12/06	W516	LEGAL COPY CH	1101 2103			0.69	0.00
ACTIVITY FOR 2008							
03/04	*VD54	INMATE PAYROL FEB	3149		8.19		8.19
04/02	*VD54	INMATE PAYROL MAR	3541		8.43		16.62
05/05	*VD54	INMATE PAYROL APR	4031		8.43		25.05
05/07	FC03	DRAW-FAC 3	C/1ST 4101			25.00	0.05

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
05/22/2008	H118	LEGAL COPIES HOLD	0521 4338	17.60

\* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 11/16/05

CASE NUMBER: MCR448576

COUNTY CODE: SON

FINE AMOUNT: \$ 8,400.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
11/01/2007		BEGINNING BALANCE		8,311.30



MULE CREEK STATE PRISON  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: NOV. 01, 2007 THRU MAY 30, 2008

ACCT: F03927      ACCT NAME: CRUZ, MATHEW MANUEL      ACCT TYPE: I

\* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 11/16/05      CASE NUMBER: MCR448576  
COUNTY CODE: SON      FINE AMOUNT: \$ 8,400.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
11/05/07	VR54	RESTITUTION DEDUCTION-SUPPORT	10.83-	8,300.47
12/04/07	VR54	RESTITUTION DEDUCTION-SUPPORT	2.96-	8,297.51
03/04/08	VR54	RESTITUTION DEDUCTION-SUPPORT	9.09-	8,288.42
04/02/08	VR54	RESTITUTION DEDUCTION-SUPPORT	9.36-	8,279.06
05/05/08	VR54	RESTITUTION DEDUCTION-SUPPORT	9.36-	8,269.70

\* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*  
\* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. \*

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.35	37.49	37.79	0.05	17.60	0.00

CURRENT  
AVAILABLE  
BALANCE  
17.55-



THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.  
ATTEST: 5.30.08  
CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY Charles A. [Signature]  
TRUST OFFICE

USA FIRST-CLASS FOREVER



\$ 00.18<sup>0</sup>  
02 1M JUN 06 2008  
0004214248  
MAILED FROM ZIP CODE 95640

